

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

Case No. MD-06-0634A

4 **JAMES TILLINGHAST, M.D.**

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

5 Holder of License No. **14418**
6 For the Practice of Allopathic Medicine
In the State of Arizona.

7 **INTERIM CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board ("Board") and
9 James Tillinghast, M.D., ("Respondent") the parties agree to the following disposition of this
10 matter.

11 1. Respondent has read and understands this Interim Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement").
13 Respondent acknowledges that he understands he has the right to consult with legal counsel
14 regarding this matter.

15 2. By entering into this Interim Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the matters
17 alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board,
18 and waives any other cause of action related thereto or arising from said Interim Consent
19 Agreement.

20 3. This Interim Consent Agreement will not become effective until signed by the
21 Executive Director.

22 4. All admissions made by Respondent are solely for interim disposition of this matter
23 and any subsequent related administrative proceedings or civil litigation involving the Board and
24 Respondent. Therefore, said admissions by Respondent are not intended or made for any
25 other use, such as in the context of another state or federal government regulatory agency

1 proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or
2 federal court.

3 5. Respondent may not make any modifications to the document. Upon signing this
4 agreement, and returning this document (or a copy thereof) to the Executive Director,
5 Respondent may not revoke acceptance of the Interim Consent Agreement. Any modifications
6 to this Interim Consent Agreement are ineffective and void unless mutually approved by the
7 parties.

8 6. This Interim Consent Agreement, once approved and signed, is a public record that
9 will be publicly disseminated as a formal action of the Board and will be reported to the National
10 Practitioner Databank and on the Board's website.

11 7. If any part of the Interim Consent Agreement is later declared void or otherwise
12 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in
13 force and effect.

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15 JAMES TILLINGHAST, M.D.
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Dated: 15 Aug 2006

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of the
3 practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 14418 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. On August 15, 2006 Respondent informed the Board he self-administered Fentanyl
7 and Propofol while functioning as the anesthesiologist during a surgical procedure the previous
8 week. Respondent became ill and was removed from the operating room. Respondent's partner
9 completed the procedure on his behalf and Respondent has removed himself from practice.
10 Respondent has denied any substance abuse problem.

11 4. Based on the information in the Board's possession there is evidence that if
12 Respondent were to practice medicine in Arizona there would be a danger to the public health and
13 safety.

14 **CONCLUSIONS OF LAW**

15 1. The Board possesses jurisdiction over the subject matter hereof and over
16 Respondent.

17 2. The Executive Director may enter into a consent agreement with a physician if
18 there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25); A.A.C.
19 R4-16-504.

20 **ORDER**

21 IT IS HEREBY AGREED THAT:

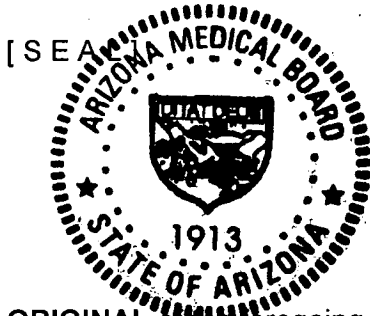
22 1. Respondent shall not practice clinical medicine or any medicine involving direct
23 patient care, and is prohibited from prescribing any form of treatment including prescription
24 medications, until Respondent applies to the Board and receives permission to do so.

25 2. This is an interim order and not a final decision by the Board regarding the pending

1 investigative file and as such is subject to further consideration by the Board.

2 DATED this 5th day of August, 2006.

3 ARIZONA MEDICAL BOARD



5 By Timothy C. Miller, J.D.
6 Executive Director

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8 ORIGINAL of the foregoing filed this
9 5th day of August, 2006
with:

10 Arizona Medical Board
11 9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

12 EXECUTED COPY of the foregoing
13 Hand-delivered this 5th day of
August, 2006 to:

14 James Tillinghast, M.D.

15 Chris Bamps
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